

**State of California**  
**Department of Industrial Relations**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, October 19, 2011**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: October 6, 2011**

**RE: Closed Session of the Board to be held on October 19, 2011**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. CA. TRANSPORTATION, 08-R2D1-2173 THROUGH 2176
2. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
3. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

4. ADOPT A HIGHWAY LITTER, 10-R1D3-2026

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5. ALAMEDA CONTRA COSTA TRANSIT DISTRICT, 09-R1D4-3700
6. ALL GOOD PALLETS, INC., 10-R6D7-2955 THROUGH 2958
7. ALUMINUM PRECISION PRODUCTS, INC., 10-R6D2-3518 THROUGH 3522
8. GUILLERMO AMEZOLA DBA AMEZOLA FARM LABOR, 09-R2D1-4267
9. JOE ANDRADE, JR. DBA AZTECA TIRES, 11-R6D7-0974
10. ARMAAN AUTO REPAIR, INC., 11-R6D7-0971
11. SUZANNE ASHWORTH DBA DEL RIO BOTANICAL, 09-R2D1-3609
12. BANISTER ELECTRICAL, INC., 10-R1D4-0868
13. BARNUM & CELILLO ELECTRIC, INC., 09-R2D5-1459
14. BECHO, INC., 09-R5D1-0785
15. BOLTHOUSE FARMS, 09-R2D5-1198 THROUGH 1200
16. BOLTHOUSE FARMS, 09-R2D5-1782 THROUGH 1784
17. C. I. PLUMBING, INC., 10-R4D1-3763 AND 3764
18. C. P. KELCO, USA, INC., 11-R6D4-0564 THROUGH 0566
19. JUAN CARLOS CALDERON DBA TACOS ENSENADA, 11-R6D7-1073
20. CALIFORNIA C & R, INC., 08-R1D1-2930 AND 2931
21. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,  
CSP-SOLANO, 10-R2D2-1890
22. CALIFORNIA DESIGN EXPERT HOME SERVICES, 10-R6D7-2213 THROUGH  
2216
23. CALIFORNIA STATE UNIVERSITY LOS ANGELES, 11-R4D2-2238
24. WENDY CAMPOS DBA TRINITY PALLETS CO., 11-R6D5-1826 AND 1827
25. CELTIC SCAFFOLDING, 08-R1D1-1469 THROUGH 1471

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26. CHIPATCHI, INC. DBA JACKSON VALLEY VINEYARD, 09-R2D4-3878 AND 3879
27. CHRISP COMPANY, 10-R2D2-2970
28. CITY OF SAN JOSE – ANIMAL CARE & SERVICES, 10-R1D2-0259 AND 0260
29. CLAY DUNN ENTERPRISES DBA AIR-TEC, 10-R4D1-2903
30. COAST PLATING HOLDINGS, INC. DBA COAST PLATING, INC., 10-R4D1-3884 AND 3885
31. COASTWIDE ENVIRONMENTAL TECHNOLOGIES, INC., 10-R1D2-1817 AND 1818
32. CONOCO PHILLIPS, 10-R6D4-2185 THROUGH 2187 and 10-R6D4-2276
33. CON-QUEST CONTRACTORS, INC., 11-R1D3-0513
34. CONTRACTORS WARDROBE, INC., 10-R4D3-2145 THROUGH 2147
35. CP KELCO USA, INC., 11-R6D4-0564 THROUGH 0566
36. COUNTRYSIDE BAKING, INC., 11-R3D1-1770
37. CVS PHARMACY, INC., 09-R1D5-4266
38. JONATHAN DAVIS, 10-R1D1-1189 AND 1190
39. DEL MONACO SPECIALTY FOODS, INC., 10-R1D2-2025
40. DELSUR GROUP, 09-R1D3-2044 AND 2045
41. DESIGN IN ELEGANCE, 11-R6D2-0452
42. EL BAJIO PACKING, INC., 10-R1D2-1128 THROUGH 1129
43. ESPANA METAL CRAFT, INC., 10-R6D2-4033 THROUGH 4041
44. PETER MARK EVA DBA SKYLINE ROOFING, 10-R2D2-0269 AND 0270
45. EVANS BROTHERS, INC., 09-R5D1-0359 and 09-R5D1-0568
46. FENESTRA - AMERICA LLC, 10-R4D1-3541 THROUGH 3543

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47. RICHARD FREDRICKSON DBA FREDRICKSON CONSTRUCTION,  
09-R1D5-2188 THROUGH 2190
48. FRITO-LAY, INC., 11-R2D4-0158
49. FYDAQ COMPANY, INC., 11-R3D1-1506
50. GOLDEN GINGER PRODUCTS, 10-R6D2-3676 THROUGH 3679
51. GOLDEN RULE PRODUCE, INC., 10-R1D2-1816
52. MANUEL GONZALEZ DBA MANUEL'S TIRE SERVICE, 10-R2D4-4068
53. GROWERS TRANSPLANTING, INC., 10-R1D2-1448 THROUGH 1450
54. HANOVER BUILDERS, INC., 10-R4D1-3984
55. HARRIS SALINAS REBAR, INC., 10-R5D1-1044
56. HERGUTH LABORATORIES, INC., 11-R2D2-0148 THROUGH 0150
57. HERITAGE BOMANITE, 10-R2D5-3276
58. HP COMMUNICATION, 09-R1D2-3542 AND 3543
59. BRUCE HWANG DBA KIM'S GLASS, 10-R4D1-3985 AND 10-R4D1-2156
60. JARDINES, INC., 10-R6D7-1877
61. JENSEN ENTERPRISES, INC. DBA JENSEN PRECAST, 11-R3D3-1535
62. JMB CONSTRUCTION, INC., 11-R1D3-1520
63. KEY ENERGY SERVICES CALIFORNIA, INC., 10-R6D4-2647 THROUGH 2650
64. KOOSHAREM CORPORATION DBA SELECTED STAFFING, 10-R1D5-0603
65. L. H. WOODS & SONS, INC., 11-R3D2-0383 AND 0384
66. LA ESPERANZA MERCADO, 10-R2D5-0871 AND 0872
67. LAGUNA GLASS, INC., 10-R6D7-3839
68. WOON HA LEUNG DBA NEW CHINA BARN RESTAURANT, 10-R6D7-3689

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69. LOYOLA MARYMOUNT UNIVERSITY, 11-R4D1-0467
70. M & M RECYCLING, INC. DBA SPECIALIZED GERMAN RECYCLING,  
11-R6D7-0642 AND 0643
71. MARVIN WINDOWS OF TENNESSEE DBA MARVIN WINDOWS,  
10-R2D2-0655
72. MARIA CARMEN MEDINA DBA MEDINA'S AUTO BODY, 11-R6D5-0428  
AND 0429
73. METRO EXPRESS, INC., 11-R3D3-2061
74. MJL FLOORING, 11-R3D1-0591
75. MM USA, INC., 10-R6D2-3416 AND 3417
76. MOTOWORKS, 11-R3D2-0352
77. MT. DIABLO USD – CONCORD HIGH SCHOOL, 10-R2D2-1626 AND 1627
78. NORCAL MASONRY, INC., 10-R2D2-2257 AND 2258
79. PARAMOUNT CITRUS, 08-R2D5-5103 THROUGH 5106
80. PHILLIPS FARMS, 09-R2D5-0400 AND 0401
81. PIERCEY TOYOTA, 10-R1D2-0471 AND 0472
82. RAMESH PITAMBER DBA BEST WESTERN SONORA OAKS HOTEL,  
10-R2D4-3894
83. PORT OF REDWOOD CITY, 10-R1D3-1499
84. PROSPECT INTERNATIONAL AIRPORT SERVICES, INC., 10-R1D3-1350
85. QUALITY FABRICS OF BAKERSFIELD, INC., 11-R6D2-0369
86. R. L. CASEY CONSTR., 10-R2D3-1986 THROUGH 1988
87. RIGHT ON ROOFING, 10-R6D2-1640
88. S. O. S. STEEL COMPANY, INC., 10-R6D1-2206
89. SAFEWAY, INC., 10-R1D2-1325

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90. SANTA CRUZ SEASIDE COMPANY, 10-R1D2-0722 THROUGH 0724
91. SAVE MART SUPERMARKETS DBA FOODMAXX, 10-R2D2-0805 AND 0806
92. SCHLUMBERGER, 10-R6D4-2646 AND 3573
93. RAYMOND SCIMOUNI DBA IDEA BUSINESS CONSULTING, 10-R4D1-2725  
THROUGH 2728
94. SENECA FOODS LLC (PLANT 7 PROD.), 10-R2D4-0730 THROUGH 0733
95. SHADY CANYON GOLF CLUB, INC., 11-R3D1-0504
96. SIMON SIHOTA DBA SIHOTA FARM, 09-R2D5-0485 THROUGH 0487
97. GURMIT SINGH & AVTARKOUR SINGH DBA SINGH FARMS, 10-R2D4-3775  
THROUGH 3777
98. SOEX TEXTIL – RECYCLING GMBH, 10-R2D5-0613 THROUGH 0618
99. SOEX WEST TEXTILE RECYCLING USA LLC, 10-R2D5-0607 THROUGH 0612
100. SPECIALIZED PARTS PLANET, INC., 11-R6D7-0688
101. STANFORD UNIVERSITY, 11-R1D3-0571 THROUGH 0573
102. STANTON OPTICAL, INC., 10-R2D4-2869
103. STROER & GRAFF, INC., 10-R1D2-2292 AND 2293
104. SUNBEAM DESIGN AND DEVELOPMENT, 11-R4D2-0198 AND 0199
105. SUNSERI ASSOCIATES, INC., 10-R2D4-2836
106. SUN-MAID GROWERS OF CALIFORNIA, 08-R2D5-1965 THROUGH 1970
107. SWISSPORT CARGO SERVICES LP, 11-R4D1-0193 AND 0194
108. TARGET, 10-R1D2-2094
109. THOMAS G. JONES CONSTRUCTION, 10-R2D1-3926
110. THYSSENKRUPP SAFEWAY, 10-R1D3-0520 AND 0521
111. UNITED BUILDING CONTRACTORS, INC., 08-R2D3-3980

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112. VIP MOBILE DETAILERS, INC., 11-R2D4-0705

113. WHOLE ENERGY FUELS CORPORATION, 10-R1D3-0591 THROUGH 0597

114. YERBA BUENA ENGINEERING & CONSTRUCTION, INC., 09-R2D1-3711

**ORDERS DISMISSING APPEALS:**

1. CCM ENTERPRISES, INC., 09-R6D2-3390 THROUGH 3395
2. SERVICE SCAFFOLDING, INC., 10-R1D1-1445

**ORDER DENYING LATE APPEAL:**

1. CASPER COMPANY, 11-R3D2-9165

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. MAXIMINO VILLARREAL DBA VILLARREAL TIRE SHOPS, 11-R6D7-9153

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. CA – PRISON INDUSTRY AUTHORITY, 09-R1D5-2459 THROUGH 2461
2. GERARDO VILLALOBOS ET AL DBA LOS TORILES, 11-R6D7-9134
3. GUILLAUME GRAPEVINE NURSERY, INC., 08-R2D1-3273

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068

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6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,  
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. SILVIA CASTRO, MIGUEL CASTRO DBA SILVIA CASTRO FLC,  
09-R2D4-1900
20. CITY OF FOSTER CITY, DEPT. OF PUBLIC WORKS, 09-R1D3-4195
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CLINE CELLARS, INC., 08-R1D5-2946
23. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
24. COMMERCIAL METAL FORMING, 09-R3D1-1592
25. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
26. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387



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27. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
28. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
29. DESIGN BUILDERS, INC., 08-R4D4-1901
30. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
31. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
32. DUKE PACIFIC, INC., 08-R3D3-574
33. DUININCK BROS., INC., 06-R4D3-2871
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORTUNA IRON WORKS 06-R2D3-4222
38. G. T. ALDERMAN, INC. 05-R4D3-3513
39. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
40. HB PARKCO, 07-R4D2-1730 AND 1731
41. THE HERRICK CORP., 07-R3D1-495
42. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
43. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
44. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
45. JENSEN PRECAST, 05-R2D1-2377
46. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
47. KELSO'S AUTO DISMANTLING AND AUTO SALES, 10-R2D4-0165
48. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014

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49. L & S CONSTRUCTION, 10-R3D2-1822
50. LA MINA CANTINA, 09-R2D5-0039
51. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
52. LAST CHANCE, INC. DBA A STAR RECYCLING, 10-R4D3-3468 AND 3469
53. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
54. LION RAISINS, INC., 08-R2D5-2253 AND 2254
55. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
56. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
57. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
58. MARINE TERMINALS, 08-08-R6D2-1920
59. MCM CONSTRUCTION, INC., 10-R4D3-2498 THROUGH 2500
60. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
61. MILLENIUM GENERATION, INC., 08-R4D3-5047
62. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
63. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
64. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
65. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
66. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
67. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
68. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
69. POUK & STEINLE, INC., 09-R3D3-0491
70. QYCELL CORPORATION, 11-R3D3-1575 AND 1576

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71. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
72. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
73. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
74. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
75. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
76. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
77. SMUD, 08-R2D1-4887 THROUGH 4889
78. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
79. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
08-R2D1-3414 THROUGH 3418
80. SONORA REGIONAL MEDICAL CENTER, 10-R2D4-0162
81. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
82. SUNOPTA FRUIT GROUP, 09-R3D1-9245
83. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
84. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
85. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
86. UNITED PARCEL SERVICE, 07-R3D3-3322
87. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
88. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710
89. WINDSOR CHICO CREEK CARE AND REHABILITATION CENTER LLC,  
10-R2D1-0263

**OTHER BOARD PROCEEDINGS:**

1. BIMBO BAKERIES USA, INC., 10-R6D2-1102 THROUGH 1106

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**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)  
(00-440)
5. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
6. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
7. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
8. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
9. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
10. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
11. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
12. SMUD, 34-2010-80000723 (08-R2D1-4887)
13. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
14. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

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2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**PERSONNEL:**

*(Issues regarding staff)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.